

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BNK ADVISORY GROUP, INC. :  
2102 Main Street :  
Northampton, PA 18067 :  
Plaintiff :  
vs. : CIVIL ACTION NO. 02-CV-3221  
SUNTRUST EQUITABLE SECURITIES :  
CORPORATION : JURY TRIAL DEMANDED  
303 Peachtree Street :  
Atlanta, GA 30308-3201 :  
Defendant :

DEFENDANT SUNTRUST EQUITABLE SECURITIES  
CORPORATION'S MOTION TO DISMISS PURSUANT TO 12(b)(1)

Defendant, SunTrust Equitable Securities Corporation (hereinafter SUNTRUST), hereby moves this Court pursuant to Fed.R.Civ.P. 12(b)(1) for an Order dismissing the copyright infringement claims against SUNTRUST for lack of subject matter jurisdiction under 17 U.S.C. 411(a).

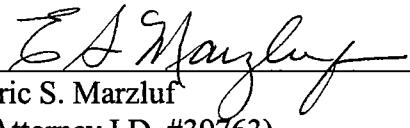
For the reasons set forth in the accompanying Memorandum in Support of the Motion, Defendant's Motion should be granted.

A proposed Order also accompanies this Motion.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

June 10, 2002

By:   
Eric S. Marzluf  
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Attorneys for Defendant  
SUNTRUST EQUITABLE SECURITIES  
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that the foregoing DEFENDANT SUNTRUST EQUITABLE SECURITIES  
COPRORATION'S MOTION TO DISMISS PURSUANT TO 12(b)(1);MEMORANDUM in  
support thereof and Proposed ORDER have been served on the Plaintiff, by delivery of one (1) true  
and correct copy of the same via FEDERAL EXPRESS, prepaid, to:

Charles E. Shoemaker, Jr., Esq.  
727-729 North 19<sup>th</sup> Street  
Allentown, PA 18104

this 10th day of June, 2002.

  
Eric S. Marzluf